
**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

In Re:)
)
)
Boulos F. Estafanous,) NO. 17-09908
)
)
 Debtor)
)
) Chapter 11
)
) Honorable Judge Jacqueline P. Cox

NOTICE OF MOTION

TO: See Attached Certificate of Service

PLEASE TAKE NOTICE that on April 13, 2017, at 09:30 AM, the undersigned will appear before the Honorable Jacqueline P. Cox at the Dirksen Federal Building, located at 219 S. Dearborn, Courtroom 680, Chicago, Illinois and will then and there present the attached **MOTION FOR ORDER PERMITTING DEBTOR TO USE CASH COLLATERAL BELONGING TO ABC BANK REGARDING 645 EAST 162ND STREET, SOUTH HOLLAND, ILLINOIS 60473**, at which time you may appear if you so choose.

BY: **S/ PAUL M. BACH**
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NORTHBROOK, IL 60062
PHONE: (630) 575-8181
ATTORNEY No: 6209530

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**MOTION FOR ORDER PERMITTING DEBTOR TO USE CASH COLLATERAL
BELONGING TO ABC BANK REGARDING 645 EAST 162ND STREET, SOUTH
HOLLAND, ILLINOIS 60473**

NOW COMES the debtor, Boulos F. Estafanous, by and through his attorney Paul M. Bach, Of Counsel and Penelope N. Bach, of Bach Law Offices, and moves this Court pursuant to 11 USC 363 and Federal Rule of Bankruptcy Procedure 4001(b) to enter an order permitting it to use cash collateral belonging to ABC Bank as to 645 East 162nd Street, South, Illinois ("South Holland") and in support thereof represents to the Court as follows:

BACKGROUND

1. On March 29, 2017, Debtors filed a voluntary case under Chapter 11 of Title 11 of the United States Code ("Bankruptcy Code").
2. That at the time of filing and listed on the schedules the debtor owned real estate commonly known as 645 East 162nd Street, South Holland, Illinois.
3. The South property is a commercial property with three tenants which is fully rented.

4. On information and belief, a mortgage lien exists for the South Holland property in favor of ABC Bank.
5. Once the debtor has possession of the funds paid by his tenants the Debtor will need the entry of an order to allow the use of cash collateral in order to pay the expenses of the real estate (including adequate protection to ABC Bank) – subject to the verification of the security interest as stated below.
6. If the Debtor is not given the use of Cash Collateral, the Debtor will be unable to pay the expenses of the real estate. If the expenses are not paid in a timely manner, the Debtor would then be forced into a premature liquidation.

NOTICE

7. Pursuant to 4001(b) of the Bankruptcy Rules, debtor must give fourteen (14) days notice to all creditors and parties in interest of a motion requesting leave to use Cash Collateral. Notice of the Motion has been served upon the United States Trustee, all parties holding a lien on the real estate and the twenty largest creditors. The Debtor has noticed this Motion on less than fourteen days notice but is requesting entry of an interim order to allow the payment of interim expenses. The Debtor expects no final order to be entered on the original date this Motion is noticed but that this Motion will be continued until after the fourteen day period elapsed.

SECURITY INTEREST OF ABC BANK

8. Debtor believes that there is a first priority pre-petition mortgage, on the South Holland property in favor of ABC Bank in the approximate amount of \$856,057.95.

DEBTOR REQUESTS USE OF CASH COLLATERAL

9. The Debtor requires the use of the cash collateral as it is defined in section 363(a) of the Bankruptcy Code and requests authorization of this Court to utilize the cash collateral including the payment listed to ABC Bank as adequate protection pursuant to the provisions of sections 363(c)(2)(B) of the Bankruptcy Code. A statement showing Debtor's anticipated income and expenses for both property is attached as an Exhibit.

10. ABC Bank will not be harmed by the interim use of cash collateral generated from the assets and proceeds thereof. As to the use thereof, the Debtor proposes that ABC Bank be granted replacement liens upon the assets in Debtor's Possession subsequent to the filing of the Chapter 11 petition to the extent of the collateral utilized, subject to verification of the extent and validity of the liens. In addition, as adequate protection, the Debtor purposes to make monthly adequate protection payments to ABC Bank for the first priority mortgage in the amount of \$8,084 (which includes an escrow payment as to real estate taxes and insurance) as to the South Holland Street property in conjunction with the adequate protection payment and to grant ABC Bank a replacement lien upon proceeds from assets Debtors acquires subsequent to the filing of the Chapter 11 petition to the extent

that the collateral is utilized subject to verification of the extent and validity of the lien.

11. The use of collateral by the Debtor will cause little, if any, harm to ABC Bank.

Conversely, the harm to the Debtor will be substantial because the use of cash collateral is essential to its status as a going concern. The Debtor further believes that ABC Bank is fully protected for the value of its lien provided by a replacement lien to the extent of collateral utilized based on the \$400,000.00 equity in the South Holland property..

DISCLOSURE PURSUANT TO LOCAL RULE 4001-2

12. Debtors represent that none of the provisions of the proposed cash collateral warrant highlighting as required by Local Rule 4001-2

WHEREFORE, Debtor Boulos F. Estafanous, prays that an order be entered as follows:

A. Authorizing Boulos F. Estafanous to utilize the cash collateral of ABC Bank, to the extent needed pursuant to the attached budget including Adequate Protection payments beginning May 15, 2017 in the amount of \$8,084.00 as to ABC Bank;

B. Granting a lien on the proceeds of the Cash Collateral of ABC Bank the Debtor acquires subsequent to the filing of the Chapter 11 petition subject to the extent and validity of the lien;

C. For such other and further relief as this Court deems just and proper.

Respectively Submitted,

Boulos F. Estafanous

By: /s/ Paul M. Bach

Mr. Paul M. Bach, Esq.
Ms. Penelope N. Bach, Esq.
Bach Law Offices
Attorneys At Law
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Northbrook, Illinois 60062
Phone 847) 564 - 0808

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:) BK No.: 17-9908
Boulos F. Estafanous)
) Chapter: 11
) Honorable Jacqueline Cox
)
Debtor(s))

FIRST INTERIM ORDER AUTHORIZING USE OF CASH COLLATERAL PURSUANT TO SECTION 363(C)(2) AND BANKRUPTCY RULE 4001(b) AS TO NORTH BANK RELATING TO MOTION FOR ORDER PERMITTING DEBTOR TO USE CASH COLLATERAL BELONGING TO ABC BANK REGARDING 645 EAST 162ND, SOUTH HOLLAND, ILLINOIS

This matter coming to be heard on the Motion of the Debtor, Boulos F. Estafanous's Motion for Use of Cash Collateral, pursuant to Section 363(c)(2) of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 4001(b) due proof of service to all parties entitled to notice the court being advised,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED

- a) The Debtor is authorized to use cash collateral of ABC Bank as to the real estate commonly known as 645 E. 162nd Street, South Holland, Illinois upon the terms and conditions contained in this order;
- b) ABC Bank is hereby granted replacement lien in the real estate commonly known as 645 E. 162nd Street, South Holland, Illinois and the rents received by the Debtor in that real estate;
- c) The lien and security interest granted herein to ABC Bank shall have the same validity, perfection, and enforceability as the pre petition liens held by ABC Bank without and further action by the Debtor or ABC Bank and without executing or recording any financing statements, security agreements or other documents;
- d) The Debtor shall maintain adequate property insurance on 645 E. 162nd Street, South Holland, Illinois which lists ABC Bank as a lienholder via paying the escrow included in the payment to ABC Bank;
- e) Beginning May 15, 2017 and continuing the 15th of each month thereafter until further order of Court, the Debtor shall make adequate protection payments to North Community Bank/Byline Bank in the amount of 645 E. 162nd Street, South Holland, Illinois;
- f) Subject to the terms and conditions contained in this Order, the Debtors may use cash and cash collateral to the extent set forth in this order to an including May 31, 2017;
- g) The court retains jurisdiction as to how the adequate protection payments authorized in this Order or subsequent orders are allocated.
- h) Status is set for , 2017 at 10:00 am

Enter:

Dated:

United States Bankruptcy Judge

Prepared by:

Mr. Paul M. Bach, Esq., Of Counsel
Ms. Penelope N. Bach., Of Counsel
Bach Law Offices
P.O. Box 1285
Northbrook, Illinois 60062
Phone (847) 564 0808

Income Source	Amount
Restaurant	\$ 4,600.00
Clothes	\$ 2,000.00
Beauty	\$ 2,600.00
Total Gross Income	\$ 9,200.00

Average Monthly Expenses	Amount
Maintenance Reserves	\$ 350.00
ABC Bank including Escrow	\$ 8,082.00
Common Electricity	\$ 50.00
Snow and Grass	\$ 125.00
Total Average Expenses/Reserves	\$ 8,607.00

Average Net Income \$ 593.00